



Atty. Dkt. No. 028622/0103

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ernst Peter RIEBER  
Title: ANTIBODIES TO DENDRITIC CELLS AND HUMAN DENDRITIC CELL  
POPULATIONS AND USES THEREOF  
Appl. No.: 09/700,200  
Filing Date: 01/23/2001  
Examiner: Gerald R. Ewoldt  
Art Unit: 1644

**DECLARATION UNDER 35 U.S.C. § 1.132**

The undersigned attorney of record declares that the hybridoma cell line DC8 was deposited on October 10, 1995, at the DSM - Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH, at Mascheroder Weg 1b, D-38124 Braunschweig, Germany, a Budapest Treaty recognized depository, as DSM ACC2241. A copy of the certificate of deposit is attached.

The deposited hybridoma cell line DSM ACC2241 is the microorganism which is specifically identified in this application as filed. During the pendency of the patent application, access to the deposited microorganism will be allowed to those persons properly designated by the Commissioner of Patents and Trademarks. The deposited microorganism will be replaced should it die or be destroyed during the enforceable life of any patent issued out of this patent application, for five years after the last request for a sample of the deposited microorganism or for thirty years following the date of deposit, whichever is longer upon. Upon issuance of a patent, applicants irrevocably will remove all restrictions to access to the microorganism for the duration of the deposit.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

*June 15, 2004*  
Date

*Jayne A. Muleatt*  
Jayne A. Muleatt  
Attorney for Applicants  
Registration No. 34,485

Applicant's or agent's file reference	B 3357 PCT	International application No.
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**INDICATIONS RELATING TO DEPOSITED MICROORGANISM  
OR OTHER BIOLOGICAL MATERIAL**

(PCT Rule 13bis)

A. The indications made below relate to the deposited microorganism or other biological material referred to in the description on page <u>11</u> , line <u>32</u>	
B. IDENTIFICATION OF DEPOSIT Further deposits are identified on an additional sheet <input checked="" type="checkbox"/>	
Name of depositary institution DSM-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH	
Address of depositary institution (including postal code and country)  Mascheroder Weg 1b D-38124 Braunschweig DE	
Date of deposit October 10, 1995	Accession Number DSM ACC2241
C. ADDITIONAL INDICATIONS (leave blank if not applicable) This information is continued on an additional sheet <input type="checkbox"/>	
Identification reference: DC8 (M-DC8) The biological material may be made available only by the issue of a sample to an expert nominated by the requesters. Applicant makes use of Rule 13bis.6	
D. DESIGNATED STATES FOR WHICH INDICATIONS ARE MADE (if the indications are not for all designated States)	
E. SEPARATE FURNISHING OF INDICATIONS (leave blank if not applicable) The indications listed below will be submitted to the International Bureau later (specify the general nature of the indications e.g., "Accession Number of Deposit")	

For receiving Office use only	
<input type="checkbox"/>	This sheet was received with the international application
Authorized officer	

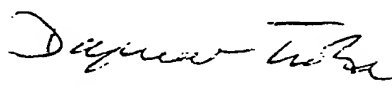
For International Bureau use only	
<input type="checkbox"/>	This sheet was received by the International Bureau on:
Authorized officer	

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Micromet GmbH  
Goethestr. 31  
80336 München

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR:  DC8	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  DSM ACC2241
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by:  <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation  (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 1995-10-26 (Date of the original deposit) <sup>1</sup> .	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSM-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH  Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):   Date: 1995-11-13

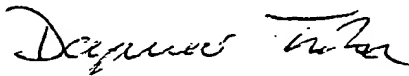
<sup>1</sup> Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Micromet GmbH  
Goethestr. 31  
80336 München

VIABILITY STATEMENT  
issued pursuant to Rule 10.2 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Micromet GmbH Goethestr. 31 Address: 80336 München	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2241  Date of the deposit or the transfer <sup>1</sup> : 1995-10-26
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 1995-10-26 <sup>2</sup> . On that date, the said microorganism was  (X) <sup>3</sup> viable  ( ) <sup>3</sup> no longer viable	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED <sup>4</sup>	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSM-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH  Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):    Date: 1995-11-13

<sup>1</sup> Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

<sup>2</sup> In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

<sup>3</sup> Mark with a cross the applicable box.

<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.